

In the United States District Court
For the Middle District of North Carolina



Brian David Hill,)
Petitioner/Defendant) Criminal Action No. 1:13-CR-435-1
v.) Civil Action No. 1:17-CV-1036
United States of America,)
Respondent/Plaintiff)

**EVIDENCE DECLARATION OF BRIAN DAVID HILL REGARDING
STATE PRO SE MOTION IN OPPOSITION TO
GOVERNMENT'S/RESPONDENT'S DOCUMENTS #156, #157, AND #158**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", "Brian", or "Hill"), that is acting pro se and is proceeding pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to report evidence and this Declaration to the United States District Court which can affect the outcome of the Supervised Release Violation ("SRV") charges in Documents #156, #157, and #158, in this criminal case. Evidence is attached below to this pleading.

**Declaration of Brian David Hill on Pro Se Motion that was filed with the
Martinsville Circuit Court in Martinsville, Virginia**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I attach to this Declaration, a true and correct photocopy or scan of the "Motion to Request Earlier Trial date" which was filed with the Martinsville Circuit Court on the date of May 29, 2019. That particular motion was hand delivered to the Clerk's

office in the Municipal Building and was stamped and filed on the record, in that State/Commonwealth case. A copy was also served with the Commonwealth Attorney of Martinsville that same day.

The Motion that was filed on that Court's record, is proof to the U.S. District Court in this case that I had already notified the Court by my Pro Se pleadings material that I can legally be found innocent if the case law of the other three Circuits are adopted by the Martinsville Circuit Court, and evidence regarding the carbon monoxide gas exposure, as well as the testimony about the man in the hoodie who had threatened to kill Brian's mother. The evidence filed Pro Se while I was at FCI-1 Butner, NC, may include photographs of the damage in Apartment 2 which was caused by carbon monoxide gas. Even at one time United States Probation Officer Jason McMurray had also been witnessed to the damage around the fireplace in Apartment 2 (Brian David Hill's Apartment around last year in 2018). So the carbon monoxide gas was as nasty to the extent where there was ceiling damage, and wall damage. The damage has been fixed by putting up new wall-board and fixing the ceiling. Ever since Pete Compton reportedly, according to what my family had told me and reading his signed statement, he removed the tin that caused carbon monoxide gas to flow into the Apartments from the fireplace. After the removal of the tin, time had passed for the house to slowly air out overtime, carbon monoxide detectors were placed in the home around sometime June or May, 2019. It appears that no carbon monoxide is at detectable levels at this time. So the issue has been resolved and I had shown no further abnormal behavior. I am complying with my curfew times and had stayed away from the Dick and Willie trail. My behavior has gotten better since being out of the home which contained the carbon monoxide gas last year.

It has been almost a year, and will be a year in about three (3) months from this month, and I have not done similar conduct (run around naked in a public place), and ever since being released on bond and the carbon monoxide is confirmed to be at non-detectable levels, I have not left the house at night and my behavior has improved since I had left the very home that at that time contained the carbon monoxide gas last year. Since the issue has been resolved, there shall be no further issues. I wasn't thinking clearly and toxicity in the blood would cause brain damage which can cause anything to happen since the brain controls impulsiveness, and the brain can cause self-control which can prevent a person from exhibiting weird or even potentially criminal behavior. As I continue

demonstrating compliance under the Federal bond conditions, as well as my Supervised Release conditions, and resolving my State case, it is clear that I am obeying the law and did not act indecent. Those normally convicted of indecent exposure, as I had read from the law library a few cases of such while detained at the Western Virginia Regional Jail, as I understand are those who masturbate in public, show sexual arousal and gratification while in public, and take pleasure being exposed in public. I clearly did not masturbate at all, I have OCD which causes me to consistently wash my hands and can take long showers or even long hand washing routines (times vary) over feeling dirty every time I use the bathroom. In addition to that I was under the influence of carbon monoxide gas, evidence of carbon monoxide exposure in the home was affirmed by Chimney expert witness Pete Compton from the paper that I read. I have Autism Spectrum Disorder, so any self-control I would have had over any autistic type behaviors (*which expert Dennis Debaudt even mentioned about autistic people can wander off from their homes*) I have would be anywhere from almost impossible to impossible due to the consistent exposure to carbon monoxide gas in my home. The incident happened during the time of night when the members of the public are usually at home sleeping and not walking on the hiking trail. So there was nobody, with exception to what I believe was a man wearing a dark hoodie who threatened to have my mother killed, nobody who would have freaked out on the trail while I had been on it that night. There was a lot of woods and even slopes and/or hills surrounding the Dick and Willie trail. Not the particular type behavior a typical indecent exposure offender would exhibit. They are gratified by flashing actual people, getting around somebody and just flash or show genitalia. I did not do that, it was somebody in a vehicle that went by on the road that was close to the Dick and Willie trail at one section where the Southern Finishing factory was. So nobody was actually out there personally but was in a vehicle who called the police and reported it to law enforcement which led up to arresting me. They admitted during my initial charge that they did not announce that they were police when they chased me, the officer told me that he weren't going to argue with me on that (*my claim that they never announced that they were police when I ran, not knowing who they were when I ran from them since it was dark outside*) and they were not going to charge me with running from police because they never announced that they were and it was dark at night so I couldn't see the outfit of who was chasing me, when I appeared in front of the Magistrate to be charged with indecent exposure by officer R. D. Jones, that was September 21, 2019. So when I was charged initially, they admitted that they never actually said they were police when

I ran from them, and it was at night so visibility was difficult. It could have been a rapist, murderer, a thief, anybody. It could have been somebody who I perceived as working with the guy in the hoodie who had threatened that “they” would kill my mother. I wasn’t thinking clearly. The guy in the hoodie could have even been a hallucination for all I know, it may not have. I am confused about all of this since I found out about being exposed to carbon monoxide gas in my home. I was found in a creek with cuts/abrasions all over my body at night. I clearly wasn’t thinking straight. I wasn’t aroused. Even my lawyer Scott Albrecht told me at one time that he can argue technical innocence for my case, but that was in December, 2018, before I even discovered about the carbon monoxide gas. I feel that it is solid evidence compared to my story about a man wearing a hoodie because he could have been a hallucination or may not have. Maybe the carbon monoxide caused me to be afraid yet stupid, caused me not to make the right decisions? I am happy that I am learning the truth as to why I was acting the way I did on September 21, 2018. The police were supposed to test me for drugs and would have found the toxicity in my blood. I was happy that I filed the Pro Se motion as the Circuit Court Judge is aware of the evidence I had filed this year, being more effective than my own lawyer Scott Albrecht who was ineffective to the extent where I was found guilty in the General District Court until I had appealed it to the Martinsville Circuit Court for me to be retried by trial do novo. I didn’t even know about the carbon monoxide gas during my first bench trial over the indecent exposure charge on December 21, 2018. Now that I know, I will make sure that this evidence is fully brought up in my State case to the best of my knowledge and abilities, because I feel that I am not guilty of indecent exposure, and I did not engage in criminal activities which would warrant revocation of my Supervised Release, because of my state of mind (Mens Rea, a Latin term) during the time I was exposed to carbon monoxide gas. My lawyer stating that I am technically innocent under the law. Case law stating that I had to be aroused and sexually gratified in order to be guilty of indecent exposure but I wasn’t thinking clearly due to the carbon monoxide gas and did not masturbate, that means that I did not break that law and would also mean that I did not knowingly engage in criminal activity which would warrant revocation of my Supervised Release.

The reason such case law exists regarding the obscenity requirement for indecent exposure guilt, is because of incidences where people are naked in public but not sexually gratified such as an elderly person who has Alzheimer’s disease or dementia who may be naked in a public area but it isn’t to be sexual but is a mental

and physical ailment caused by an elderly person, maybe an autistic child is walking around naked dazed and confused in public, or some mental patient is walking around naked in public not understanding what they are doing and that it is wrong. There are instances where nudity is not considered indecent or that a particular Law Enforcement officer treats the situation not as criminal but as a mental health situation or as a situation where somebody is naked but dazed and confused or has a diminished capacity during that time. What if somebody was drunk on alcohol or was drugged and was running around naked but not aroused but was doing something stupid because the effects of the drug or alcohol take away the ability to think correctly and see reason? What if the carbon monoxide caused side effects which affect the brain? Gas exposure can lead to madness, like a miner in a mine shaft having to escape a mine due to gas leaks or gas in a mine. Certain gases and exposure to such can be a danger to human health and a danger to the brain.

It was horrible what had happened on September 21, 2018, what I had done out there, but it was not criminal as I was a victim of carbon monoxide gas exposure and did not do what is required of me in order to be guilty of indecent exposure. According to the case law rulings I had read at the law library, I had to be obscene in order to be guilty of indecent exposure. During the first trial on December 21, 2018, the Commonwealth Attorney admitted during the trial that I was not charged with obscenity after my attorney argued that I was not being obscene in public and argued with using the obscenity statute. That right there with the case law shows my legal innocence. Carbon monoxide exposure evidence adds weight to my legal innocence and I believe shows my actual innocence if that is considered plausible by the Court.

Note from Brian David Hill regarding home visit by United States Probation Officer (“USPO”) Jason McMurray on June 20, 2019: I showed USPO McMurray my Desktop HP computer, which had already been approved before and has been approved for usage since it was originally approved by USPO Kristy L. Burton. He has checked the back of it and checked on the computer to verify that there is no possible internet access. Since the U.S. Attorney Asst. Anand Prakash Ramaswamy wishes to inquire about the issue regarding Brian’s friends and family posting anything on the internet about my criminal case, it is only myself that is restricted where I cannot use the internet. My friends are not restricted from using the internet and can post any opinion they want regarding my

criminal case since my court case files can be accessed by anybody of the general public using a PACER Account. Anybody can download the court documents, access the court documents, or even get them from the Clerk's office or any court terminal. My friends and family have every right to post their opinions about my criminal case, my former Freedom of Information Act ("FOIA") lawsuit, and any other civil or criminal case that I may be a party of. Doesn't mean that I use the internet. So since USPO McMurray has checked the physical computer, verified no possible internet access at all, has checked another time in the past and saw the same result, the computer I am approved to use does not use any internet access. Any possible postings that may be somewhere on the internet regarding my case or cases are by friends, family, and can even be by strangers who are concerned, and anybody who is concerned about civil liberties who has heard of my case. AUSA Ramaswamy can continue the witchhunt of accusing me of posting things on the internet when I have family that is happy to discuss my case publicly and friends that is happy to talk about my case publicly. I have called into a lot of political talk shows including Infowars, and other talk shows out there. I have had a lot of friends when I had originally started USWGO Alternative News back in 2009 to 2012. I have a lot of friends that can talk about my case. So sorry Ramaswamy, my HP Desktop does not have any internet access, checked by my Probation Officer and it wasn't the first time he checked for possible internet access on that computer and found no possible internet access. It is time for Ramaswamy to stop with the witchhunt and admit that the whole criminal case at the very beginning was a stunt to shut down USWGO Alternative News and stifle my freedom of speech and freedom of the press.

Anyways I therefore attach the photocopy of my earlier filed "Motion to Request Earlier Trial date", as a true and correct photocopy of what was filed with the Martinsville Circuit Court and has been on court record since it was delivered by hand on May 29, 2019.

Total is 5 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2019.

Respectfully submitted,

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
Make America Great Again

Respectfully filed with the Court, this the 21st day of June, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are

provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on June 21, 2019, service was made by mailing the original of the foregoing:

“EVIDENCE DECLARATION OF BRIAN DAVID HILL REGARDING STATE PRO SE MOTION IN OPPOSITION TO GOVERNMENT’S/RESPONDENT’S DOCUMENTS #156, #157, AND #158”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on June 21, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing:

June 21, 2019

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



I stand with QANON/Donald-Trump – Drain
the Swamp
Make America Great Again

Certified Mail tracking no: 7016-0600-0000-8319-9190

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,)
Plaintiff,)
v.)
BRIAN DAVID HILL)
Defendant,)

)) Criminal Action No. CR19000009-00

)) Motion to Request Earlier Trial date

Motion to Request Earlier Trial date

Criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request an earlier Trial date for this criminal case pursuant to the Speedy Trial clause of both the U.S. Constitution and Virginia Constitution and for good reasons as stated herein.

Because of Hill being detained under Federal Custody (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Document #1; criminal case no. 1:13-cr-435-1, Middle District of North Carolina, United States District Court, citing Documents #156, #157, #158) Hill was unable to attend the Trial date set for 04/23/2019 due to the Federal mental evaluation. Therefore the trial date was rescheduled to July 15, 2019.

However on May 14, 2019 (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Documents #25, #26) Hill was released on Federal bond conditions pending the outcome of this Commonwealth criminal case. Hill is released on bond and therefore is able to attend any and all hearings for this honorable court.

Hill believes that the trial date of July 15, 2019, is too late and would like to request an earlier trial date for the following reasons:

1. Hill is no longer under detainment due to being released on bond. Therefore Hill can attend all hearings imposed by this court.
2. Hill has Type 1 brittle diabetes and Mild Autism. The waiting on this case, is taking it's toll on Hill's mental health. Hill has Generalized Anxiety Disorder and waiting for over 1 month will cause unnecessary worry and anxiety.
3. Hill had appealed the case from the Martinsville General District Court (case no. C18-3138) in December, 2018, and the Circuit Court case was filed on January 9, 2019. It was originally scheduled for January 28, 2019, but the mental evaluation at the Federal Correctional Institution 1 ("FCI-1") at Butner, North Carolina had delayed the trial date. Now that Hill isn't detained, it would be better for Hill's Constitutional speedy trial right to have the trial date set for June, 2019.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the trial date in this criminal case be set for June 2019. Hill asks the scheduling Clerk to schedule an earlier date for this trial to resolve this case as soon as possible. Hill's health is deteriorating, worrying about waiting for the resolution of this case. Hill has a speedy trial right. Now that Hill is no longer in Federal detainment, Hill is free to report to the Court and prepare for trial. Hill is preparing for trial right now and request that the trial date be set earlier than July 15, 2019.

Hill would also like for this Court to acknowledge on record whether it had received the Pro Se filings of the (1)Americans with Disabilities Act ("ADA") Accommodation form, and the (2)Affidavit of Brian David Hill, cause both were mailed to the Clerk of the Martinsville Circuit Court in January, 2019. and wasn't sure if the court had received those and added those to the record in this case.

The Commonwealth Attorney acknowledged during the General District Court trial on December 21, 2019, that Hill was not charged with obscenity, meaning that the Commonwealth had no indication to believe Hill was being obscene, since Hill did not do anything sexual while he was naked, he was just naked at night when nobody was on the trail. Since Hill was not sexually aroused, is technically innocent under the law, Hill again introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372."

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia. Record No. 0985-03-3 in the Circuit Court of Richmond

Also Hill had filed two Pro Se Motions with evidence to introduce to the trial Court in Hill's defense: (1) MOTION TO ADMIT EVIDENCE (Filed: 01/23/2019), and (2) MOTION TO FILE EVIDENCE BEFORE TRIAL (Filed: 04/08/2019). This brings up newly discovered evidence in 2019 from a Chimney expert finding evidence of carbon monoxide in the home of 310 Forest Street, Apartment 2, Defendant's home. That evidence was not known from the first trial on December 21, 2019. Hill wasn't aroused and was only naked, and was exposed to carbon monoxide in his own home in 2018 prior to being arrested, Hill was under the influence of an invisible gas (gas that cannot be detected by smell via the human nose) which can cause impulsiveness and hallucinations. Hill was not well at the time due to the carbon monoxide poisoning and Hill never masturbated. Hill was not being obscene and therefore Hill is innocent of indecent exposure if this Circuit Court adopts the decisions of the three case laws stated

above and any other similar case laws which may exist. Hill was under Federal custody and detainment due to this Commonwealth case, many months spent sitting in Jail. Hill had already suffered enough waiting for a trial when sufficient evidence and case law points towards Hill being innocent of the violation of Virginia Code § 18.2-387. Hill suffered enough under the federal Supervised Release Violation charge while waiting the pending charge in this Circuit Court. The Federal Court wants this resolved in the State so that they can make a final determination as to whether Hill violated his Supervised Release conditions as a result of being charged under Code § 18.2-387. Since Hill has both case law and evidence of innocence, an innocent man's fate in the Judicial system pushing for justice should not be delayed nor denied. Justice needs to come as soon as possible for Hill.

Hill respectfully files this Motion with this honorable Court, this the 29th day of May, 2019.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order scheduling an earlier date for the Trial in this criminal case.

Brian D. Hill
Signed, Signed
Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
USWGO

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on May 29, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2019, a true copy of the foregoing Motion was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill

Signed
Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

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